

**DEPARTMENT OF THE TREASURY
FEDERAL LAW ENFORCEMENT TRAINING CENTER
GLYNCO, GEORGIA 31524**

FLETC DIRECTIVE (FD)

NUMBER: 67-35.C

Subject:

DATE: 05/04/87

Sunset Review:

STUDENT MISCONDUCT

1. PURPOSE. This directive establishes responsibilities and procedures to insure adequate and appropriate inquiry into alleged misconduct on the part of students prior to implementation of administrative action.
2. SCOPE. This directive applies to all personnel at the Center, both Glynco and Marana, Participating Organization representatives and contractor personnel, and covers all student misconduct, both on and off Glynco and the Marana facility. In general, it applies to misconduct that occurs outside the classroom environment when a student is not under the direct control and jurisdiction of the instructional staff. However, in the event misconduct other than cheating occurs in the classroom environment serious enough to warrant administrative action, and reporting procedures outlined in this directive will be followed.
3. CANCELLATION. FLETC Directive No. 67-35.C, Student Misconduct, dated January 21, 1982
4. REFERENCES.
 - a. FLETC Directive No. 67-35.A, Standards of Conduct.
 - b. Director's memorandum, date May 15, 1978, Public Conduct.
 - c. FLETC Directive No. 67-35.D, Cheating in Center Training Programs.
 - d. Student Handbook, Code of Conduct.
 - e. FLETC Directive No. 67-35.H, Notification Procedures for Serious Student/Staff Incidents
 - f. FLETC Directive No. 70-09.K, FLETC Accident Investigation Teams.
5. POLICY.
 - a. Standards of conduct are published in References (a) through (d). Each student is required to adhere to these principles and standards of behavior in order to reflect credit on the Government.

b. Office of Personnel Management regulations state that Federal employees shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government. Included in the Government Code of Conduct is a statement regarding the responsibility to protect and conserve all Federal property. Administrative action up to and including dismissal from training will be taken in upholding these standards.

c. Additionally, those persons in law enforcement occupations are expected to demonstrate even higher standards of behavior. Persons in law enforcement occupations and/or those in training for such positions, should exemplify the highest degree of professionalism and display behavior that is a credit to the service and reflects positively on the individual, the organization, the government, and law enforcement as a profession.

6. MISCONDUCT. Training and non-training related misconduct includes but is not limited to:

a. The use of intoxicants during training or prior to training when such previous use affects training;

b. Smoking, eating and/or drinking in the classrooms;

c. Inattentiveness during classes;

d. Horseplay or other conduct prejudicial to the safety of oneself or others;

e. Improper uniform attire;

f. Defiance of, or belligerence toward, the authority and responsibility of an instructor or other Center official;

g. Public drunkenness;

h. Failure to comply with local/State laws;

i. Defiance or belligerence toward local/State/community law enforcement officials while carrying out their duties or conducting investigations;

j. Any public act which reflects adversely on the Center or the United States Government.

7. DISCIPLINARY REMEDIES AVAILABLE. Any student who violates the standards of conduct set forth in this or any other Center directive or notice is subject to the following Center actions:

a. Counseling. Depending on the seriousness of an incident, students may be counseled by the appropriate Faculty Advisor, Program Specialist, Program Manager, Assistant Director, or higher authority. If a student displays behavioral problems during a counseling session, procedures outlined in FLETC Directive 70-10.D, Students Exhibiting Serious Behavioral Problems, will be followed.

b. Disciplinary Probation. When the seriousness of misconduct or continued misconduct warrants, a student may be placed on disciplinary probation. The seriousness of the offense will determine the length of probation, which may, in some instances, remain in effect for the duration of training. A student who is placed in this status will not be eligible for any special honors or awards (e.g. distinguished graduate) and any further incidence of misconduct may be grounds for dismissal from training. At the end of a probation period, a student's conduct and attitude will be reviewed by the appropriate Assistant Director or his designated representative to determine the student's fitness to be removed from probationary status.

c. Expulsion from Training and/or Withholding a Certificate of Graduation. The Director may withhold a Certificate of Graduation or expel a student from training if the nature of the misconduct warrants such action. When it appears that an incident may result in one or both of the above actions, a thorough inquiry of the incident will be conducted and documented. The inquiry will be conducted by Center staff in conjunction with the cognizant Participating Organization representative. If the Director determines that it is in the best interest of the Center to expel a student from training or to withhold a Certificate of Graduation, the student's employing organization will be advised verbally of all known circumstances in the case. The verbal report will be followed by a written report prepared by the PRIMARY responsible office. A copy of the written report, transmitted by the Director, will be provided to the student's employing organization. Each case will be decided on its own merits. The center recognizes that any proposed adverse action is extremely important, especially when withholding of a Certificate of Graduation or termination from training may result in terminations from employment or affect promotion rights which are based on a requirement of successful completion of training. Students terminated from training will be referred to their respective organizations for appropriate follow up action.

8. RESPONSIBILITIES.

a. The Director, FLETC has the responsibility of safeguarding the personnel, property, and integrity of the FLETC. Successful administration of this responsibility

involves: (1) proper instruction to students regarding policy on conduct; (2) through inquiries into alleged incidents of misconduct; and (3) appropriate disposition of incidents, including withholding of certificates/diplomas, immediate dismissal from training or assignment of a student to probationary status when warranted.

b. Program Managers, Program Specialists, Faculty Advisors, Program Coordinators and Participating Organization Representatives are responsible for insuring that all students understand Center rules and the Standards of Conduct expected of them while enrolled in training at the Center. Managers, advisors, program coordinators, and representatives, as appropriate, will brief all students as part of their initial orientation. Background material from the basic Ethics and Conduct course, as well as references (a.) and (b.) will be included in each student's information packet provided during registration and will form the basis of these orientations. The appropriate staff member responsible for the program will assure that copies of these documents are provided to each student upon reporting to the Center.

c. The Assistant Directors for General Training (OGT), Special Training (OST), Administration (ADM), State and Local Training (OSL) and Marana Operations (MO) will be responsible for conduction inquiries into alleged incidents of misconduct. The Assistant Director (MO) will be responsible for conducting an inquiry into ALL incidents of misconduct at Marana. Depending on the nature of the allegation, incidents will be handled as outlines below:

		<u>Responsible Office</u>	
	<u>Situation</u>	<u>Primary</u>	<u>Secondary</u>
1.	Academic Problems (Center Programs only.)	OGT/OST/MO as appropriate	N/A
2.	Student Accidents: (Also see FD 70-09.K, FLETC Accident Investigation Teams)		
a.	*Training Related	OGT/OST/OSL/ MO As appropriate	ADM
b.	Non-training Related	ADM/MO	OGT/OST/OSL As appropriate

* Training related accidents requiring TD 71-05 reporting will also be investigated by the Safety Manager.

3. Other Student Behavior and Conduct:

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|----|-------------------------|----------------------------------|-------------------------------|
| a. | Training Related | OGT/OST/OSL/MO
As appropriate | N/A |
| b. | Non-training
Related | ADM/MO | OGT/OST/OSL
As appropriate |

The Appropriate Assistant Director will coordinate with the Deputy Director in assigning staff personnel to conduct inquiries.

d. Participating Organization Representatives are responsible for conducting any inquiries into alleged incidents of misconduct that may be deemed necessary by their organizations. Cognizant representatives will be notified immediately of all reports of incidents of alleged student misconduct and will be furnished all available information obtained by FLECT during its inquiry concerning the incident. Participating Organization inquiries may be conducting in conjunction with, or separate from, the FLETC inquiry.

e. All Center Employees, Participating Organization Representatives, Contract Personnel, and Students are responsible for bringing infractions of the Standards of Conduct, or other rules and regulations, to the attention of the Faculty Advisor/Program Coordinator, the Security Police, or an Assistant Director as appropriate. In all cases, the appropriate program manager should be notified by whomever receives the complaint.

7. REPORTING AND DISPOSITION PROCEDURES.a. Training Related Misconduct

(1) The use of intoxicants during training or prior to training when such previous use affects training, is strictly prohibited. Any instructor or staff official who finds a student not able to function due to the use of intoxicants will immediately dismiss the student from further training and report the incident, as soon as possible, through the Program Manager, to the appropriate Assistant Director and Participating Organization representative.

(2) Misconduct which cannot be corrected immediately by an instructor or other Center official, will be verbally, reported as soon as possible after the incident occurs, through the Program Manager, to the appropriate Assistant Director and/or the Participating Organization representative, as appropriate.

(3) Verbal reports to the appropriate Assistant Director and/or Participating Organization representative will be followed within twenty-four hours by a written report, or as soon as possible thereafter. In a timely manner, the appropriate Assistant Director will prepare and distribute to the instructor who reports the incident a final disposition report which outlines all Center actions pertaining to the reported incident.

(4) In all cases involving student misconduct, the proper action of the instructor or other Center official will receive endorsement and support from the highest level of FLETC management. It is an incumbent responsibility of the position of instructor/other Center official to take action when misconduct in the classroom is noted. Instructors/officials who fail to take action are not properly fulfilling the mandate of their position.

b. Non-Training Related Misconduct.

(1) All reports of non-training related misconduct at Glynco will be made verbally, as soon as possible after an incident occurs, to the Security Police or the Assistant Director (ADM) and the Participating Organization representative, as well as the appropriate Program Manager, OGT, OST, or OSL, for coordination purposes. If the report is made by Center employees, Participating Organization or contractor representatives, a written report to the Assistant Director, ADM, the Participating Organization representative, and the appropriate program manager will be made, generally within two working days.

(2) Reports of non-training related misconduct at Marana will be made verbally as soon as possible after an incident occurs, to the Assistant Director (MO). The Assistant Director (MO) will make a written report to the Deputy Director, FLETC within two working days of all incidents.

(3) In all cases where the complaint originates from outside the Center, an acknowledgment will be made to the complainant by the Assistant Director (ADM) or the Assistant Director (MO) after consulting with Public Affairs, Legal Counsel, and organization representatives or program managers, as appropriate.

(4) Procedures outlined in FD 67-35.H, Notification Procedures for Serious Student/Staff Incidents, will be followed in reporting serious misconduct infractions. The Director and the Public Affairs Office will be notified immediately by the Assistant Director (ADM) or Assistant Director (MO), in cases of serious misconduct infraction that may result in notoriety via the press. In other serious misconduct infractions that have the potential for notoriety that may reflect adversely upon the FLETC (i.e.; reportable accidents, injuries, fights, DUI, arrest of a student, etc.) the

director will be notified by the Assistant Director (ADM) or Assistant Director (MO), the following morning.

c. Disposition. Minor misconduct infractions will be the responsibility of the appropriate Assistant Director. More serious cases will be forwarded by the Assistant Director, through the Deputy Director, to the Director with recommendations for disposition, final review and determination. The Deputy Director shall ensure that the Department of the Treasury Inspector General's Office is notified of the allegation, kept informed during the course of the inquiry, and advised of the disposition of the case.

Nothing in this directive is to be interpreted to preclude an independent inquiry by a participating organization into the actions of its personnel. The Center will assist in such independent inquiries upon request.

8. OFFICE OF PRIMARY INTEREST. Office of the Director.

Charles F. Rinkevich
Director